

Spencer County Plan Commission
Meeting Minutes
May 22, 2008

The Spencer County Plan Commission held its monthly meeting on Thursday May 22, 2008. Members in attendance were Nathan Helms, Robert Cochenour, Charlie Waninger, Pete Rapp, Scott Sublett and Steve Sisley. Absent were Al Logsdon and Rex Winchell.

Chairman Nathan Helms called the meeting to order at 7:00pm. A copy of April minutes that were mailed out stand approved as presented. Motion made by Bobby Cochenour 2nd by Scott Sublett all in favor.

First order of business:

Richard and Shawnda Bickel, Radio Control Track, petition for a change in the Zoning Map. Request is made to rezone from Ag to I-1 on 1.960 acres in Ohio Twp. The premises affected are situated on the east side of State Road 161, a distance of ½ mile North of the intersection of State Road 161 and Old State Road 45, described as follows: A part of the Northeast Quarter of the Southeast Quarter Section Thirty-Two(32), Township seven(7) South, Range Six(6) West. More commonly known as 1515 S State Road 161, Rockport, IN 47635. The proposed Land Use is an indoor and outdoor Radio Control Track.

Richard Bickel addressed how the present track operates. It brings people into the community from 200-300 miles away. The outdoor track will be 110 x 60 and will have driver stands that will be elevated and picnic tables. The proposed outside track will be more fun for the spectators where the inside is just fun for the driver. It will also be seasonal, August through October, running 26 times a year. Bickel envisions some day having an RV park and racing all night. As far as noise there are semi-trucks 100-200 ft from homes 24/7. He stated as far as sounds between the two tracks it will be the same. Chairman Helms asked about the noise from the cars. Bickel stated some cars don't make any noise at all and the others like 40 decibels or less. A weed eater is 92 decibels. Helms asked if they were toys. Bickel stated yes and they are powered by gasoline. When asked about spills, he stated gasoline for the cars is \$30.00 a gallon. We don't spare a drop; if any is spilled it would evaporate before it hits the ground. Bobby Cochenour asked how many cars run at a time. Bickel stated eight. Charlie Waninger asked what the prizes were. Bickel said no prizes just bragging rights. Pete Rapp asked about projected parking. Bickel estimates a quarter to an half an acre. The present track has run out of parking. They also have been shuttling people in. He started out with a place for him and his son and it just took off. He said he has been clearing trees off his property where he plans to have his outdoor track but he left some for shade.

Chairman Helms then opened questions up to the crowd. Marjorie Morris stated they would be using her personal driveway which doesn't have an easement. Maybe they could build a bridge to get to his property. She just doesn't want this next to her property.

Ed Masterson spoke on Anna Boyd's behalf. He stated she owns the driveway next to the track. He said Marjorie Morris granddaughter uses the driveway to get in and out of her trailer. She has a hard time seeing around all the vehicles. She complained about all the noise, spectators, and vehicles coming and going. They also had children wondering onto their properties and worry about property values decreasing with an outdoor track.

Steve Sisley asks about dust on the outdoor track. Bickel stated basically none, as they would be watering the track. There was more dust on the inside track than on the outside. Fans are used to pump dust out of the building.

Kayla Morris spoke and stated people park everywhere, children are throwing rocks and she can't see to get in and out of her driveway, she almost got hit.

Dean Morris spoke on how he just bought his property and he had went to bed at 10:00 and couldn't sleep because of all the noisy and his mother is closer and sets up on a hill so there is no barrier for her, and she hears even more than he does.

Masterson asks about the bridge on the ditch. Surveyor Sublett said he would have to find out if it's a legal drain or not, and he would check Storm Water Ordinances and the County Drainage Ordinance.

Helm then asked what needed to be done to appease everyone for an agreement.

Mrs. Morris stated needs to keep what he has now, and clean up the mess from the trees he cut down, and she doesn't want this in her back yard.

Dean Morris said He needs more parking.

Bickel stated he thought he could do what he wanted on his own property.

Cochenour said he has a safety issue with State Road 161-there are a lot of people coming and going onto the property and not enough room at this time it's just to much of a safety issue.

Sublett proposed restricting racing to one day a week and not race through the night.

Attorney Wetherill reminded everyone we are here for a rezoning and not a Special Exceptions Permit. With a rezoning, there are no restrictions or ability to put any conditions or restrictions on property.

Helms stated he hates to say a man can't do something with his property unless there is an overwhelming reason not to. He then asks for a motion. No response.

Cochenour stated he agrees 100 % on the importance of bringing in a new business and the tourism dollars, but getting in and out of this property is a safety issue.

Helms asked again for a motion. No response. Died lack of a motion. Helms stated he may try for a variance or Special Exceptions Permit to operate a dirt track on his property which would go through the Board of Zoning Appeals.

Old Business:

Continue to consider and give recommendations and findings of approval or disapproval pursuant to Indiana Code 36-5-1-4 regarding a Petition for Incorporation for the Town of Richland that has been filed with the Spencer County Board of Commissioners. Helms asks Nora Yeager if she had obtained the signatures she needed. Yeager stated she didn't take it as they had to have them; it's not a legal requirement. She stated they were on the outside of voting polls to attain more signatures. They found people that were not against it but didn't want to sign petition. They have over 51 people who have signed it. Helms stated that's still not a substantial majority of the property owners. Yeager stated there isn't an opportunity to get more signatures unless you go door to door.

She also stated they sent out over 500 certified letters to the residents and property owners about the public meeting with the Commissioners on June 10, 2008. They are now being mailed to the Auditor's office.

Yeager stated it was her understanding they only needed 51% of the people to sign and she thought they were concerned with the tax rate, which now been has changed 0026 on 100. After discussion, the Commission is, at this time, unable to determine whether or not the proposed tax rate is adequate and sufficient.

Helms said the Board must act for or against, and it currently has no proof this is a majority.

Attorney Wetherill said findings have to be presented to Commissioners 10 days before the June 10th public meeting, pursuant to Indiana Code 36-5-1-4

Administrator Cail stated Plan Commission has its recommendations they have to meet.

Wetherill suggested they read through IC 36-5-1-8 "Approval of petition required findings" See Attachment 1 #4.

Helms started reading through and marking off what they had met. Meet all until reached #4 which stated a “substantial majority” of property owners in support of the proposed municipal services is required. Yeager had a problem with the word “agreed”. She said the Code does not require signatures.

Sisley stated signatures are the proof.

Cochenour asked the Friends of Richland how long they thought it would take them to go door to door in Richland and get a yea or nay from them. They stated there are several property owners that live in other Cities that would be hard to locate them and have them to sign.

Attorney Wetherill read 36-5-1-4 (b) The commission shall investigate the proposed incorporation and report their recommendations of approval or disapproval to the county executive at least ten (10) days before the hearing required by section 5 of this chapter .In making their investigations, they may use the services of any state or local government agency, and in making their report and recommendations, they shall be guided by the requirements for incorporation set out in section 8 of this chapter. Wetherill also read attachment 2

Sublett asked what the advantages were for Richland to incorporate.

Dan Kincaid stated Richland has become a dumping ground for Vanderburgh and Warrick Counties. It’s in a flood zone. They want to save the place. They have 21 empty properties right now in Richland. He also stated the Republicans’ in Indianapolis made the biggest tax reform sweep and nobody in this room or offices or even people in Indianapolis knows what that’s going to do to us in the next two years. They will take care of Marion County before they take care of Spencer County, because we don’t vote enough that matters and that’s what it comes too.

Yeager then said she really wanted the board to look at what Richland would be receiving from tax revenues-the amount of 26,300 which would be from COIT, Excise Tax, etc. She passed out exhibit two (2) stated they have contacted State Board of Accounts, Indiana Department of Accounts and Local Government to help reach all her figures.

Helms ask Yeager what amount she came up with from COIT. She stated \$2,100. Helms stated that COIT comes out of the County and is not mandated by the State.

Wetherill stated what Helms stated is true; COIT disbursements are at the discretion of the County Council.

Yeager then said, on paved roads, they can pave roads ½ mile a year for 10,000. She then went over exhibit (1), the new budget.

Yeager stated they have met the following six items required to file the petition with the Commissioners.

- (1) Survey
- (2) Enumeration of Territory’s residents and landowners
- (3) Assessed Valuation of Real Property certified by Assessor
- (4) Statement of Services to Be Provided
- (5) Statement of Estimated Cost of Services and Proposed Tax Rate
- (6) The Proposed Name of the Town

Helms asked the audience if they had any questions or comments.

Ed Ingram stated he has 71 signatures against the incorporation of Richland. He doesn’t want his taxes to go up. He already receives police, fire and storm drain service and likes Richland the way it is. He has only heard of two (2) people who want to change it. He checked into the cost of paving roads, and found estimated prices at 115,000 for one mile and 25,000 to chip and seal one mile of road. He passed out exhibit three (3) showing those opposed and receiving more signatures daily. He will provide the signatures at the Commissioners meeting.

Amy Meece stood up and said she is for it. She wants a safe place to call home.

Cindy Sarver stated Richland will suffer a fate worse than death if the Commission recommends denying petition tonight. She also stated there was drug activity everywhere before they started cleaning up property in Richland. She wants the incorporation.

Helms asked them how they think by incorporating they will have more law enforcement. He also stated both the Town and the LTRSD will be severely hindered in their ability to receive grants and related funding regarding sewers after incorporation. Yeager stated her belief is they would receive extra end of the year money and grants. She also believes Spencer County will give them two (2) deputies on call and they won't have to buy a car. Money will be pro rated hourly.

Tammy Lafferty spoke on how she is involved in the clean up efforts and will be helping write grants for their future.

Jim West spoke regarding streets in Richland and how all of the streets just have top base now because they thought the sewers would come in quickly. The County set aside money to finish streets after sewers were finished. He stated he received that information from Brian Mundy, former County Engineer. He didn't know if that money was still set aside.

Helms said he didn't believe State Board of Accounts would allow that.

Wetherill stated the Commission must go by what the State tells us to go by, and our guide is IC 36-5-1-8. It's the board's decision whether or not they would be more comfortable in waiting for the majority. However, the window is closing, because the public hearing must occur within 90 days of the date of petition.

Steve Sisley made motion contingent upon having substantial majority of property owner signatures by June 10th meeting and Wetherill drawn up document of six items of approval of petition and Helms signing off on it, 2nd by Scott Sublett, all in favor.

Motion made to adjourn the meeting by Bobby Cochenour, 2nd by Scott Sublett, all in favor.

Meeting adjourned at 10:16pm.

Next meeting June 26, 2008